

P. Jeffrey Black
7582 Las Vegas Blvd S #450
Las Vegas, NV 89123-1009
(800) 980-2185

2011 SEP 23 PM 3:33

Plaintiff Pro Se

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

P. JEFFREY BLACK,

Plaintiff,

vs.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Defendant.

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Case No. 2:10-cv-02040-JCM-LRL

**PLAINTIFF'S MOTION TO REDACT
PROHIBITED AND PRIVATE
IDENTIFIABLE INFORMATION
FROM THE COURT RECORD**

COMES NOW the plaintiff, appearing pro se in this matter, respectfully moves this Court, Pursuant to Rule 5.2(a) of the Federal Rules of Civil Procedure, and Rule 9037(b) of this Court's Local Rules, for an order to redact documents in the Court's record, that contain prohibited and private personal identifiable information about the Plaintiff.

In support of this motion, Plaintiff relies upon the Memorandum of Points and Authorities set forth herein.

Dated: September 23, 2011

Respectfully Submitted,



P. Jeffrey Black

Plaintiff Pro Se

MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rules of Civil Procedure, Rule 5.2(a) and Local Rule 9037(b), outline privacy protections for document filings made to the Court. Unless otherwise ordered by the Court, parties who file electronic or paper documents, are prohibited from filing documents that contain specific private identifiable information, to include an individual's complete social security number and full date of birth.

On November 22, 2010, the Plaintiff filed the complaint in this case, and attached a total of eleven (11) exhibits. Exhibits #1, #5, #6 and #9 contained specific private identifiable information consisting of the Plaintiff's Social Security Number, date of birth, and place of birth. As such, the Plaintiff properly redacted this information prior to filing the complaint with the Clerk of the Court, in accordance with Federal Rules of Civil Procedure, Rule 5.2(a) and this Court's Local Rule 9037(b).

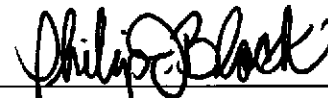
On June 21, 2011, the Defendant filed an Administrative Record, Declaration, and Vaughn Index, including a 51 page supporting document (15-3). This document openly publicizes specific private identifiable information consisting of the Plaintiff's Social Security Number, date of birth, and place of birth on pages 2, 17, 27, and 39.

If this Motion is not granted, and the Plaintiff's personal identifiable information, as described above, is not redacted from the public filings, serious and irreparable harm could be caused to the Plaintiff, to include the Plaintiff's identity being stolen. The Plaintiff, a retired federal law enforcement officer who worked extensively undercover in his position, has already been the victim of identity theft that occurred in 2005, where his Social Security number was unlawfully used to open bank accounts and lines of credit. The theft was subsequently reported to the Las Vegas Metropolitan Police Department Financial Crimes Division for investigation.

Therefore, the Plaintiff respectfully requests this Court to grant the Motion redacting Plaintiff's private identifiable information from the court file, and to enter an order directing the Clerk of the Court to substitute the attached four (4) redacted pages that correspond with the four pages described above in the Defendant's document (15-3).

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3 DATED this 23rd day of September, 2011.
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5 Respectfully Submitted,
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9 **P. Jeffrey Black**

10 *Plaintiff Pro Se*
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17 **IT IS SO ORDERED**

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20 UNITED STATES MAGISTRATE JUDGE
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22 DATED: 10-3-11
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CONFIDENTIAL - FOR OFFICIAL USE ONLY**FREEDOM OF INFORMATION ACT & PRIVACY ACT
REQUEST FOR INFORMATION AND RECORDS**

PHILIP JEFFREY BLACK
7582 Las Vegas Blvd S #450
Las Vegas, Nevada 89123
Phone: (800) 980-2185
DOB: [REDACTED]
POB: San Diego, CA
S.S. No. [REDACTED]

Requester,

**UNITED STATES IMMIGRATION &
 CUSTOMS ENFORCEMENT**
Catrina M. Pavlik, ICE - FOIA Officer
FOIA/PA Section
Information Disclosure Unit
800 North Capitol St. N.W.
5th Floor, Suite 585
Washington, DC 20536

Respondent.

The Freedom of Information Act
 Public Law 104-231
 5 U.S.C. § 522 et seq.

The Privacy Act of 1974
 Public Law 93-579
 5 U.S.C. § 522a et seq.

FOIA Request No. 015

Delivered via US Certified Mail
 No. 7007 1490 0002 8677 0336

REQUEST IS HEREBY MADE, pursuant to the Freedom of Information Act, Title 5 of the United States Code, Section 522, [hereafter referred to as "FOIA"], and also the Privacy Act of 1974, Title 5 of the United States Code, Section 522(a) [hereafter referred to as the "Privacy Act"], and is made by Philip J. Black, [hereafter referred to as the "Requester"], being a citizen of the United States and of the State of Nevada, and such request is hereby served upon the US Immigration & Customs Enforcement, Office of Professional Responsibility [hereafter referred to as the "Respondent"].

The FOIA establishes a presumption that records in the possession of agencies and departments of the Executive Branch of the United States government, are openly accessible to the people, and as such, the FOIA requires Federal agencies to provide the fullest possible disclosure of information to the public. Whereas, the Privacy Act specifically allows individuals to seek access to an agency's "system of records" pertaining to themselves, and to review the record and have copies made thereof.

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 DOB: [REDACTED]
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 S.S. No. [REDACTED]

Appellant,

**UNITED STATES IMMIGRATION AND
 CUSTOMS ENFORCEMENT**
 Catrina M. Pavlik, ICE-FOIA Officer
 FOIA/PA Section
 Information Disclosure Unit
 800 North Capital St. N.W.
 5th Floor, Suite 585
 Washington, D.C. 20536

Respondent

The Freedom of Information Act
 Public Law 104-231
 5 U.S.C. § 522 et seq.

The Privacy Act of 1974
 Public Law 93-579
 5 U.S.C. § 522a et seq.

Homeland Security Act
 Public Law 107-296
 6 C.F.R. Part 5 et seq.

Case No. 08-FOIA-140

NOTICE OF APPEAL**JURISDICTION**

ADMINISTRATIVE APPEAL IS HEREBY MADE, by Philip Jeffrey Black, [hereafter referred to as the "Appellant"], being a citizen of the United States and of the State of Nevada, and who is a federal employee of the Transportation Security Administration, United States Department of Homeland Security, pursuant to the Freedom of Information Act, Title 5 of the United States Code, Section 522, [hereafter referred to as the "FOIA"], and the Privacy Act of 1974, Title 5 of the United States Code, Section 522(a) [hereafter referred to as "The Privacy Act"], and Title 6 of the United States Code of Federal Regulations, Chapter I, Part 5, Section 5.9 and Section 5.25, [hereafter referred to as the "DHS Rules and Regulations"], and such administrative appeal is hereby served upon the General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528. [6 C.F.R. §§ 5.9(a) and 5.25(a); DHS MD No. 0460.1(4)(G)].

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Requester,

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 FOIA/PA Section
 Information Disclosure Unit
 800 North Capitol St. N.W.
 5th Floor, Suite 585
 Washington, DC 20536

Respondent.

The Freedom of Information Act
 Public Law 104-231
 5 U.S.C. § 522 et seq.

The Privacy Act of 1974
 Public Law 93-579
 5 U.S.C. § 522a et seq.

FOIA Request No. 025

Delivered via US Certified Mail
 No. 7008 1140 0003 7469 1687

REQUEST IS HEREBY MADE, pursuant to the Freedom of Information Act, Title 5 of the United States Code, Section 522, [hereafter referred to as "FOIA"], and also the Privacy Act of 1974, Title 5 of the United States Code, Section 522(a) [hereafter referred to as the "Privacy Act"], and is made by Philip J. Black, [hereafter referred to as the "Requester"], being a citizen of the United States and of the State of Nevada, and such request is hereby served upon the US Immigration & Customs Enforcement, Office of Professional Responsibility [hereafter referred to as the "Respondent"].

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Appellant,

The Freedom of Information Act
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The Privacy Act of 1974
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 5 U.S.C. § 522a et seq.

**UNITED STATES IMMIGRATION &
 CUSTOMS ENFORCEMENT**
 Catrina M. Pavlik, ICE-FOIA Officer
 FOIA/PA Section
 Information Disclosure Unit
 800 North Capitol St. N.W.
 5th Floor, Suite 585
 Washington, DC 20536

Respondent.

Homeland Security Act
 Public Law 107-296
 6 C.F.R. Part 5 et seq.

Case No. 2010FOIA1696

NOTICE OF APPEAL**JURISDICTION**

ADMINISTRATIVE APPEAL IS HEREBY MADE, by Philip Jeffrey Black, [hereafter referred to as the "Appellant"], being a citizen of the United States and of the State of Nevada, and who is a retired federal employee of the Transportation Security Administration, United States Department of Homeland Security, pursuant to the Freedom of Information Act, Title 5 of the United States Code, Section 522, [hereafter referred to as the "FOIA"], and the Privacy Act of 1974, Title 5 of the United States Code, Section 522(a) [hereafter referred to as "The Privacy Act"], and Title 6 of the United States Code of Federal Regulations, Chapter I, Part 5, Section 5.9 and Section 5.25, [hereafter referred to as the "DHS Rules and Regulations"], and such administrative appeal is hereby served upon the General Counsel, Department of Homeland Security, Office of the General Counsel, Washington, DC 20528. [6 C.F.R. §§ 5.9(a) and 5.25(a); DHS Management Directive No. 0460.1(4)(G)].